

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

JACK PEPPERDINE,)	
)	
Plaintiff,)	
)	
v.)	No. 2:11-CV-0038-ERW
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants)	

MEMORANDUM AND ORDER

This matter is before the Court on review of plaintiff's pro se complaint. The complaint is defective because it has not been drafted on a Court-provided form, see Local Rule 2.06(A), and because plaintiff has neither paid the filing fee nor submitted a motion to proceed in forma pauperis along with a prison account statement, see 28 U.S.C. § 1915(a).

Additionally, the complaint does not comply with Rules 8 or 10 of the Federal Rules of Civil Procedure. Rule 8(a) requires that the complaint contain "a short and plain statement of the claim showing that [plaintiff] is entitled to relief . . ." And Rule 10(b) requires a plaintiff to "state [his] claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances." The complaint is long and rambling, and plaintiff's allegations are not set forth in numbered paragraphs.

Plaintiff's amended complaint must comply with Rules 8 and 10. Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005).

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall mail to plaintiff a copy of the Court's form Prisoner Civil Rights Complaint.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order. The amended complaint must comply with the Federal Rules of Civil Procedure.

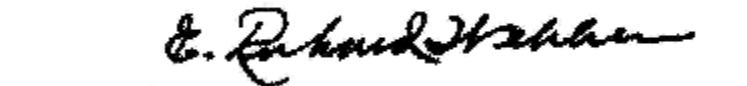
IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a copy of the Court's form Motion to Proceed In Forma Pauperis – Prisoner Cases.

IT IS HEREBY ORDERED that plaintiff shall either pay the \$350 filing fee or submit a motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff submits a motion to proceed in forma pauperis, he must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will not constitute a “strike” under 28 U.S.C. § 1915(g).

Dated this 7th day of June, 2011.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE